

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STEVEN HOLT and TRY EXCELLENCE, LLC,

Plaintiffs,

v.

THE URBAN LEAGUE OF PORTLAND, INC.,
NKENGE HARMON JOHNSON¹, individually
and as President and CEO of THE URBAN
LEAGUE OF PORTLAND, INC., MICHAEL
LEWELLEN, individually and as a Board Member
of THE URBAN LEAGUE OF PORTLAND,
INC., JAMES MASON, individually and as a
Board Member of THE URBAN LEAGUE OF
PORTLAND, INC., and SEAN MURRAY,
individually and as a Board Member of THE
URBAN LEAGUE OF PORTLAND, INC.,

Defendants.

Case No.: 3:22-cv-00837-YY

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Youlee Y. You issued a Findings and Recommendation in this case, ECF [138], on December 16, 2024. Judge You recommended that this Court GRANT defendants' Motion for Cost Bond, ECF [128], and ORDER that plaintiffs file a bond in the amount of \$96,682.00, to ensure payment of defendants' costs and attorney fees on appeal. No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985).


¹ The Court notes that this name on the docket is incorrectly hyphenated and applies the correct, unhyphenated name in this order. See Findings & Recommendation, ECF [138], at 2 n.1 (citing Defs. The Urban League of Portland, Inc. and Nkenge Harmon Johnson's Special Mot. to Strike, ECF [35], at 15).

The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge You's Findings and Recommendation, ECF [138]. Defendants' Motion for Cost Bond, ECF [128], is GRANTED, and plaintiffs are ORDERED to file a bond in the amount of \$96,682.00, to ensure payment of defendants' costs and attorney's fees on appeal.

IT IS SO ORDERED.

DATED this 8th day of January, 2025.



Adrienne Nelson
United States District Judge